GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri N. Madduleti Reddy S/o Ramalinga Reddy, Manager, BHEL - filed under Section 7(2) of the Act 16 of 1993, against the proceedings D.Dis.C6. 398/M/2003, dated 11.01.2006 of the District Collector, Kurnool - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders -Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms.No.14 Dated: 19.01.2016

Read the following:

1. Proceedings of the Dist. Collector, Kurnool, D.Dis.C6.398/M/2003, dated:11.01.2006.
2. Appeal Petition filed by Sri Madduleti Reddy S/o Ramalinga Reddy received through his advocate, dt.24.01.2006.
3. Govt. Memo No.714/CV.2/2006, S.W(CV.2) Deptt., dt.04.02.2006.
4. From the Dist. Collector, Kurnool, Lr. Rc.No.C6/260/M/2009, dated:05.05.2009.
5. Government Lr. No.714/CV.2/2006, S.W(CV.2) Deptt., dated: 02.09.2009, 06.03.2010, 10.06.2010, 17.01.2013 & 13.04.2015.
6. Govt. Memo No.714/CV.2/2006, T.W(CV.2) Deptt., dt:22.05.2015.

*****

ORDER:

In the reference 1st read above the District Collector, Kurnool has issued orders canceling ST- Konda Kapu Caste Certificate of Sri N. Madduleti Reddy S/o Ramalinga Reddy, Kurnool District, obtained from the then Tahsildar, Koilakuntla in 1973.

2. In the reference 2nd read above, Sri N. Madduleti Reddy S/o Ramalinga Reddy, Kurnool District, has filed Appeal Petition before the Government, against the Proceedings of the District Collector, Kurnool. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Kurnool in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Kurnool has furnished the parawise remarks and connected records on the Appeal Petition of Sri N. Madduleti Reddy S/o Ramalinga Reddy, Kurnool District.

4. The said Appeal Petition has been posted for hearing on 19.09.2009, 19.03.2010, 25.06.2010, 21.01.2013, 23.05.2015 and finally on 13.06.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 5th and 6th read above.

5. During the hearings after heard both sides and on perusal of the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Kurnool and proceedings of the District Collector, Kurnool, dated. 11.01.2006, it is observed that the Appellant's grandfather Sri N. Linga Reddy on account of poverty and in order to make livelihood has migrated to Kurnool District along with the Father of the Appellant namely Ramalinga Reddy from Seethamapeta Village, Srikakulam District which is an Agency Area and that the Migration Certificate issued by the MRO, Seethampeta of Srikakulam District is fake. It is also observed that as per the family relationship with his relatives it clearly established that he belongs to Kapu-OC community, but not Konda kapu-ST community. He has also not produced any evidence to show that he is having ST-Kondakapu relatives at Srikakulam District. Except, his school certificates, he fails to place cogent evidence to

[P.T.O]

the satisfaction of the Collector during enquiry or before DLSC to the effect that he is ST-Konda Kapu. Further, the District Collector, Kurnool has reported that the Kondakapu caste people comes under ST category lives in Scheduled Areas of Srikakulam, Vizianagaram, Visakhapatnam, East and West Godavari Districts. In the present case the Migration certificate issued by the MRO, Seethamapeta in favour of the Individual proved as fake one. As seen from the statement given by the individual before the DLSC with regard to his family relationship, it clearly established that he belongs to Kapu caste, which comes under forward caste. Therefore, the DLSC came to a conclusion that the individual obtained the ST Caste certificate fraudulently from the then Tahsildar, Koilakuntla and recommended to the District Collector for cancellation of the ST (Kondakapu) caste certificate issued in favour of individual. Finally the District Collector, Kurnool having held thorough enquiry cancelled the said Certificate as obtained by him in fraud and notified the same in the Gazette as required under the A.P., Act 16/1993 and Rules framed there under.

6. Further, School Certificates of the Appellant alone cannot establish his community as Konda-Kapu as the certificates were issued by the School Authorities based on the declaration given by his parents at the time of admission into school. Therefore the Collector rightly cancelled the certificate issued in favour of petitioner. The Government found no reason to interfere with the order of the learned collector and the Appeal is devoid of any merit. There is no infirmity found in the order of the District Collector, Kurnool and he has rightly passed the said order after following all the statutory requirements.

7. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Appeal Petition filed by Sri N. Madduleti Reddy S/o Ramalinga Reddy, does not deserve any interference. Hence, Proceedings of the District Collector, Kurnool issued vide D.Dis. C6. 398/M/2003, dated 11.01.2006 is hereby upheld and the Appeal Petition filed by Sri N. Madduleti Reddy S/o Ramalinga Reddy, is hereby dismissed and the Certificate issued by the then Tahsildar, Koilakuntla is deemed to be cancelled.

8. Consequently, the District Collector, Kurnool shall take necessary action in the matter.

9. The records (containing D.Dis.C6. 398/M/2003, dated 11.01.2006 , pages 01 to 82 CF, 01 to 20 NF) received from District Collector, Kurnool through the reference 4th read above, are returned herewith in original to District Collector, Kurnool and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A. VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Kurnool (w.e)
(with original records)

Sri Madduleti Reddy S/o Ramalinga Reddy
H.No.110, Vemanna Colony,
Chandhanagar, Ranga Reddy District.

Sri T.C. Krishnan, Advocate,
501(A), Spectrum Squn Aprt.,
Malkpet, Hyderabad -500036.

Copy to:
The Manager-HR-EEX, BHEL Ltd., Ramachandrapuram, Hyderabad.
The Director, TCR& TI, AP, Hyderabad.
The PS to M(SWE&TWE).
The PS to Prl. Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER